IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 13039 OF 2006

Date of decision : October 31, 2006

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Swami Devi Dyal Hi-Tech. Education .....Petitioner

Vs.

Bar Council of India .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Arun Jain, Advocate with Mrs. Anju Arora, Advocate for the petitioner(s).

Mr. Jai Vir Yadav, Advocate for respondents no. 1 & 2.

Dr. Balram K. Gupta, Sr. Advocate with Mr. Pankaj Sharma, Advocate for newly added respondent no.3.

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Viney Mittal, J. (Oral)

Sh. Jai Vir Yadav, learned counsel appearing for respondents no. 1 & 2 has informed the Court that a meeting of the Legal Education Committee of Bar Council of India is likely to be held very shortly and in any case in the month of December 2006.

Sh. Yadav further informs the Court that the claim of the petitioner-College for the grant of approval shall be taken up for consideration in the aforesaid Meeting and an appropriate decision in this regard shall be taken in accordance with law.

Sh. Arun Jain, learned counsel appearing for the petitioner-Society has, however, requested that in order to avoid any further

complications, Bar Council of India as well as Kurukshetra University may hold a joint inspection of the infrastructural facilities possessed by the petitioner-College so that any further objection with regard to any deficiency in such infrastructural facilities may not be raised by the authorities at any subsequent stage. Sh. Arun Jain further states that in order to avoid any objection by the Bar Council of India at any subsequent stage, the Kurukshetra University be also directed to take an appropriate decision on account of provisional affiliation to the Law College proposed to be run by the petitioner-College for Three Years L.L.B Course for the current Academic session 2006-07.

Keeping in view the facts and circumstances of the present case and also the statement made by Sh. Yadav, learned counsel appearing for the Bar Council of India, we dispose of the present petition with the following directions:

(1)The Bar Council of India and Kurukshetra University shall conduct a joint inspection of the infrastructural facilities possessed by the petitioner-Society with regard to the proposed Law College. The aforesaid inspection shall be carried out by the aforesaid team within a period of three weeks from today.

(2)If the Inspection team finds any deficiency in the infrastructural facilities possessed by the petitioner-Society then a written communication shall be addressed in this regard to the petitioner-Society.

(3)If the infrastructural facilities provided by the petitioner-Society are found to be adequate and in order then in such a situation, the Kurukshetra University shall take an appropriate decision for granting provisional affiliation to the proposed Law College for the academic session 2006-07 for three years L.L.B Course.

(4)The aforesaid decision shall be taken by Kurukshetra University keeping in view the academic requirements for the academic session 2006-07 and also as to whether it would be possible for the petitioner-Society to start the

classes so as to cover the lecture attendance requirements for the current session.

(5)The claim of the petitioner-Society for the grant of approval for running a Law College shall also be considered by the Legal Education Committee/Bar Council of India in its next meeting which is scheduled to be held shortly and in any case in the month of December 2006.

(6)The petitioner-College shall also be entitled to seek appropriate proceedings before the Kurukshetra University as well as the Bar Council of India for the grant of requisite affiliation/approval for running a Five Years L.L.B Course for the academic Session 2007-08 in accordance with law.

The present petition is disposed of accordingly.

Copy of the order be given dasti under the signatures of the Special Secretary attached to the Bench.

(VINEY MITTAL)
JUDGE

October 31, 2006
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(H.S BHALLA)
JUDGE